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TO : Commissioner for Patents
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FROM : Oleg F. Kaplun, Esq. of Fay Kaplun & Marcin, LLP

DATE : May 27, 2008

SUBJECT : U.S. Patent Appln. Serial No. 09/480,883
for *Electronic-Receipts Service*
Our Ref.: 40116/05502

NUMBER OF PAGES INCLUDING COVER : 13

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Attorney Docket No: 40116/05502 (A-65188-001)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Allan et al.
 Serial No. : 09/480,883
 Filing Date : January 10, 2000
 For : Electronic-Receipts Service
 Group Art Unit : 3627
 Confirmation No. : 4877
 Examiner : Luna Champagne

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By: Oleg F. Kaplun, Reg. No. 45,559

Date: May 27 2008

TRANSMITTAL

In support to the Examiner's Answer mailed on March 25, 2008 and the Appeal Brief filed on January 29, 2008, transmitted herewith please find a Reply Brief for filing in the above-identified application. No fees are believed to be required. However, the Commissioner is hereby authorized to charge the Deposit Account of Fay Kaplun & Marcin, LLP NO. 50-1492 for any additional required fees. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: May 27 2008

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Attorney Docket No.: 40116/05502
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
Allen et al.)
Serial No.: 09/480,883) Group Art Unit: 3627
Filed: January 10, 2000) Examiner: Luna Champagne
For: ELECTRONIC-RECEIPTS SERVICE) Board of Patent Appeals and
Confirmation No.: 4877) Interferences

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Commissioner for Patents
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Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. § 41.41

In response to the Examiner's Answer mailed on March 25, 2008 to the Appeal Brief filed on January 29, 2008 and pursuant to 37 C.F.R. § 41.41, Appellants present this reply brief in the above-captioned application.

This is an appeal to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 38-41 and 45-58 in the Final Office Action dated August 31, 2007 as clarified in the Advisory Action dated November 20, 2007. The appealed claims are set forth in the attached Claims Appendix.

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Serial No.: 09/480,883
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Reference No.: A-65188-0011. Status of the Claims

Claims 38-41 and 45-58 have been rejected in the 08/31/07 Final Office Action. Claims 1-37, 42-44, 59 and 60 have been cancelled. The final rejection of claims 38-41 and 45-58 is being appealed.

2. Grounds of Rejection to be Reviewed on Appeal

I. Whether claims 38-41, 45-50, 52, and 56-59 are unpatentable under 35 U.S.C. § 103(a) over U.S. Pat. No. 5,739,512 to Tognazzini (hereinafter “Tognazzini”), in view of EU 0474 360 A2 to Francini (hereinafter “Francini”) and further in view of U.S. Pat. No. 5,915,022 to Robinson et al. (hereinafter “Robinson”).

II. Whether claims 51, 53-55, and 60 are unpatentable under 35 U.S.C. § 103(a) over Tognazzini in view of Robinson.

3. Argument

In response to the Examiner’s Answer, Appellants continue to rely on the arguments made in the Appeal Brief and reiterate their request that the rejections be reversed on these grounds. In addition, in the Answer, the Examiner has made a number of assertions to which the Appellants wish to respond.

The Examiner asserts that Robinson teaches “wherein the access includes an action using the computer, the action including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction,” as recited in claim 38. (See 3/25/08 Examiner’s Answer, p. 10, ll. 1-6). Specifically, the Examiner equates “initiating a transaction” to a dispute because the dispute may involve modifying a portion of the transaction.

Initially, it is respectfully submitted that the Examiner has incorrectly analogized the dispute of Robinson to correspond to the transaction of claim 38. The dispute of Robinson entails modifying a portion of a *different* transaction record. In particular, the dispute relates to a prior, already created transaction record. Without the already created transaction record, no dispute would ever be present. In contrast, claim 38 relates to access of a common transaction record. That is, the transaction record that was received is accessed for an action including one

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of correcting, canceling, repeating, and modifying. When considering the Examiner's assertion that the dispute is the transaction and the recitation of claim 38, the transaction record that is accessed in Robinson would be the transaction record of the dispute itself, not of the transaction record created beforehand that led to the dispute.

In addition, claim 38 recites "receiving a transaction record including an electronically captured signature from a point-of-sale terminal," and "providing access by a user computer to the transaction record." Thus, "the access" of the above recitation of claim 38 refers to the transaction record from a *point-of-sale* terminal. Thus, the Examiner's assertion that the dispute of Robinson may be the transaction of claim 38 is misplaced. That is, the Examiner is incorrect in attempting to correlate any procedure where the transaction record of a sale is accessed, because the transaction record of claim 38 is received from a point-of-sale terminal. Thus, the recited transaction record pertains to a sales transaction, not a dispute.

Furthermore, even if the dispute of Robinson can be equated to the transaction of claim 38 *and* the transaction record to which the dispute would refer can be equated to the transaction record that is accessed in claim 38 (which Appellants deny is the case in both instances), it is definitely clear that the transaction record in dispute has already been created. As discussed in the Appeal Brief, Robinson only teaches a general purchase transaction that has no relevance whatsoever to accessing existing transaction records. Robinson clearly states that the transaction record is created in a step following the confirmation of the order. (See Id. at col. 4, l. 25). Thus, the placing and the canceling of the order cannot be part of an accessing of a transaction record that corresponds to the recitation of claim 38. Rather, the placing and canceling must always occur prior to the creation and subsequent access of a transaction record.

The Examiner further asserts that Robinson teaches "wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles," as recited in claim 38. (See 3/25/08 *Examiner's Answer*, p. 10, ll. 7-16). The Examiner appears to direct attention to the teaching of Robinson relating to "a service provider operating the merchant's computer in close cooperation with and *under the authority of the merchant*." (See Id.). Accordingly, the Examiner asserts that the service provider has access to the merchant's computer and thus satisfies the above recitation of claim 38 relating to "accessible to a plurality of users" where "at least two of the users hav[e] different roles." The

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Examiner does not appear to have addressed any of the arguments presented in the Appeal Brief for this recitation of claim 38. Thus, the arguments presented in the Appeal Brief are maintained.

Therefore, for the reasons discussed above and for the reasons previously asserted in the Appeal Brief, Appellants respectfully renew their submission that neither Tognazzini, Francini, nor Robinson discloses or suggest "wherein the access includes an action using the computer, the action including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction," or "wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles," as recited in claim 38.

Claim 51 recites "wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles, and wherein the access includes initiating an action using the user computer, the action including one of correcting the transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction." Thus, it is respectfully submitted that the rejection for claims 38 and 51 should be overturned. Because claims 39-41, 45-50, and 52-59 depend from and, therefore, include all the limitations of claims 38 and 51, it is respectfully submitted that the rejection for these claims also should be overturned.

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4. Conclusion

For the reasons set forth above, Appellants respectfully request that the Board reverse the rejection of the claims by the Examiner under 35 U.S.C. § 103(a), and indicate that claims 38-41 and 45-58 are allowable.

Respectfully submitted,

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CLAIMS APPENDIX

Claims 1-37. (Cancelled)

38. (Previously Presented) A method, comprising the steps of:

receiving a transaction record including an electronically captured signature from a point-of-sale terminal, the transaction record corresponding to a consumer;

storing the transaction record in a transaction database, the transaction database including a plurality of transaction records; and

providing access by a user computer to the transaction record in the transaction database, wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles, and wherein the access includes initiating an action using the user computer, the action including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction.

39. (Previously Presented) A method according to claim 38, further comprising the step of:

allowing the user to search the transaction database for the transaction records.

40. (Previously Presented) A method according to claim 38, further comprising the step of:

providing an image of the transaction record to the user.

41. (Previously Presented) A method according to claim 38, further comprising the step of:

forwarding a copy of the transaction record to a merchant involved in the transaction.

42. (Cancelled)

43. (Cancelled)

44. (Cancelled)

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45. (Previously Presented) A method according to claim 38, wherein the role is one of the consumer, a merchant and an administrator.
46. (Previously Presented) A method according to claim 45, wherein the role of the consumer includes access to the transaction database that is restricted to viewing the transaction records relevant only to the consumer.
47. (Previously Presented) A method according to claim 45, wherein the role of the merchant includes access to the transaction database that is restricted to viewing the transaction records relevant to the plurality of users, including the consumer.
48. (Previously Presented) A method according to claim 45, wherein the role of the administrator includes access to the transaction database that is restricted to manipulating a structure of the transaction database, including overseeing an activity of the merchant
49. (Previously Presented) A method according to claim 38, further comprising the step of: sending the transaction record via electronic mail to the user based on a request made by the user, wherein the request is made after the providing step.
50. (Previously Presented) A method according to claim 38, further comprising the step of: compiling the transaction records relevant to the user into a bill, wherein the bill is a summary of the transaction records.
51. (Previously Presented) A system comprising:
 - a point-of-sale terminal that generates a transaction record according to a transaction with a consumer; and
 - a transaction database accessible by a user computer that receives and stores the transaction record from the point-of-sale terminal over a network, wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the

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users having different roles, and wherein the access includes initiating an action using the user computer, the action including one of correcting the transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction.

52. (Previously Presented) A system according to claim 51, wherein the point-of-sale terminal is one of an electronic signature capture device, a card reader, a check reader, a scanner, a printer and a biometric reader.

53. (Previously Presented) A system according to claim 51, wherein the transaction record includes at least one of a price, a product, a service, a payment method and an electronically-captured signature.

54. (Previously Presented) A system according to claim 51, wherein the transaction database stores a plurality of transaction records associated with a plurality of users.

55. (Previously Presented) A system according to claim 51, wherein the transaction database allows the user to search the transaction records relevant to the user.

56. (Previously Presented) A system according to claim 51, wherein the transaction database transmits information to the point-of-sale terminal for display at the point-of-sale terminal.

57. (Previously Presented) A system according to claim 56, wherein the information is one of a coupon, a discount, the transaction record, a product recommendation and a survey.

58. (Previously Presented) A system according to claim 51, wherein the role is one of the consumer, a merchant and an administrator.

59. (Cancelled)

60. (Cancelled)

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EVIDENCE APPENDIX

No evidence has been entered or relied upon in the present appeal.

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RELATED PROCEEDING APPENDIX

No decisions have been rendered regarding the present appeal or any proceedings related thereto.